



STATE OF INDIANA

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DEVELOPMENT**

Formal Communication

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TO: WIB Directors

FROM: William R. Miller, Director, WIA Administration

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**Workforce Investment Act - Technical Assistance Bulletin
WIA-TAB 2003-001**

WIA Citizenship and Registration for Selective Services

The following quote can be found at <http://www.usworkforce.org/q&a-transition.htm>.
It is question #10 under section I. Transition Issues.

Questions: 10. What is the rule for eligibility regarding Selective Service and Citizenship?

Answer: If no priority is established locally for training services under WIA, there are no eligibility requirements for adult services. However, requirements created under other laws such as the Selective Service and Immigration legislation create eligibility requirements of which Local Boards and One-Stop operators must be aware. Local areas cannot spend funds on persons who should not be receiving services under WIA. A determination must be made of whether or not the requirement for selective service registration has been fully met. As indicated in TEGL 8-98, local areas have the responsibility of deciding and determining whether services should be provided on a case-by-case basis. A Selective Service nonregistrant is not to be denied any Federal benefits if he can demonstrate that his failure to register was not "knowing or willful." Participation in programs and activities financially assisted in whole or in part under this Act is open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the United States. In order to ensure that funds are not spent on individuals improperly, it is recommended that local areas establish a procedure that enables them to make these determinations.

Following are additional details on this topic.

- The use of the term adult services in the above answer applies to both the adult and dislocated worker populations.
- Permanent (versus temporary) work permits for non-citizens are required for WIA services.
- All male citizens, nationals, etc. (see above) between the ages of 18 and 26 must be registered with the selective services. If the participant is still between those ages, they can gain eligibility by registering with the selective service at this time. If the participant is 26 or older and did not register, they are not eligible for WIA services. That appears to be a life time sentence. The only exception being if “failure to register was not willful and knowing.” The decision on “not willful and knowing” is to be made by the service provider (WIA) and should be based on a “preponderance of evidence.” Such decisions should be in compliance with Federal, State and Workforce Investment Board policy/guidance.
- The key is that if a male was a citizen, national, etc. (see above) of the United States any time between their age of 18 & 26, they must have registered with the selective services. There are a few exceptions to this requirement (see the chart below). Workforce Investment Boards/Service providers should have procedures in place to determine if males not registered with the selective service are/were citizens, nationals, etc. (see above) of the US between ages 18 & 26 and required to register for selective service. These procedures should be in place for all registered (core, intensive and training) WIA male customers.
- In determining what is “willful and knowing” the WIA service provider must request from the client a “Status Information Letter.” If the client does not have this letter, he can request it from the Selective Service System using a “Request for Status Information Letter.” The “Status Information Letter” will provide you with selective service’s determination. Local policy will need to describe how to determine if the individual “knowingly and willfully” did not register.
- The Selective Service’s web-site (www.sss.gov) in addition to the following chart can provide additional guidance.

Who Must Register

Category	Yes	No
All male US citizens born after December 31, 1959 Who are 18 but not yet 26 years old, except as noted below:	Yes	
Military related		No*
Members of the Armed Forces on active duty (active duty for training does not constitute “active duty” for registration purposes).		
Cadets and Midshipmen at Service Academies or Coast Guard Academy.		No*
Cadets at the Merchant Marine Academy	Yes	
Students in Officer Procurement Programs at the Citadel, North Georgia College, Norwich University and Virginia Military Institute.		No*
National Guardsman and Reservists not on active duty.	Yes	
Delayed Entry Program enlistees.	Yes	
ROTC Students	Yes	

